

From: Lyric
To: Microsoft ATR
Date: 1/24/02 4:25pm
Subject: Microsoft Settlement

Under the Tunney Act, I'd like to comment on the proposed Microsoft settlement.

I believe the settlement must not be adopted without significant revision; it has several major problems, detail on many of which can be found in Dan Kegel's analysis available at <http://www.kegel.com/remedy/remedy2.html>.

In particular I'd like to highlight that as a software developer myself, many of the proposed provisions do not help the situation, and in some cases even hinder interoperability and compatibility with Microsoft's products. Definitions such as "API" and "Microsoft Middleware" are so narrow that many APIs and versions of Windows are not covered at all; requirements and documentation disclosures are not nearly broad enough and do not serve their intended purpose - for example, the proposed settlement requires disclosure of API documentation, but prohibits competitors from using it to make their operating systems Windows-compatible. Many important aspects of Microsoft's monopoly are left unaddressed; for example, disclosure of Microsoft Office file formats is not required.

The proposed settlement also fails to prohibit intentional incompatibilities and anticompetitive OEM practices that Microsoft has historically used against its competition.

This judgment is not firm, clear, or broad enough, and should not be adopted without addressing these problems.

Thank you,

John Stoneham
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